

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**UNITED STATES OF AMERICA**

**vs.**

**CASE NO. 3:00CR-048-021(JAF)**

**LUIS JAVIER ROSARIO-TELLADO**

\*\*\*\*\*

**MOTION NOTIFYING VIOLATION OF SUPERVISED RELEASE CONDITIONS  
AND  
REQUEST FOR ARREST WARRANT**

**TO THE HONORABLE JOSE A. FUSTE, CHIEF  
UNITED STATES DISTRICT JUDGE  
FOR THE DISTRICT OF PUERTO RICO**

**COMES NOW, NORMA RIVERA-ROCHET, U.S. PROBATION OFFICER OF THIS  
HONORABLE COURT,** and respectfully presents an official report upon the conduct of Mr. Luis  
Javier Rosario-Tellado.

Mr. Rosario-Tellado was sentenced by Your Honor on April 19, 2001, to a fifty-nine (59)  
month imprisonment term followed by three (3) years on supervised release for violation of Title  
21 U.S.C. §846 - Conspiracy to Distribute at least 400 grams but less than 500 grams of cocaine.  
In addition to the standard conditions, urinalysis and treatment, if necessary, was imposed. On July  
27, 2004, Mr. Luis Javier Rosario-Tellado was released from the Community Correctional Center  
Hogar CREA in St. Just, Puerto Rico to commence the supervised release term imposed.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

1. **VIOLATION OF MANDATORY CONDITION: “The defendant shall not commit another federal, state or local crime.”**

Offender was charged with distributing crack cocaine in Bo. Caracoles III, Peñuelas, Puerto Rico on May 30, 2005.

2. **VIOLATION OF MANDATORY CONDITION: “The defendant shall not illegally possess a controlled substance.”**

During the office visit referenced in item number 5, Mr. Rosario-Tellado admitted having possessed a controlled substance in order to give same to another party.

3. **VIOLATION OF CONDITION NO. 2: “The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month.”**

As of December 14, 2005, Mr. Rosario-Tellado had not submitted the monthly supervision reports for September, October and November 2005, and he failed to report to office interviews scheduled for November 28<sup>th</sup> and December 13<sup>th</sup>, 2005.

4. **VIOLATION OF CONDITION NO. 7: “The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use distribute, or administer any controlled substance or any paraphernalia related to any controlled substances except as prescribed by a physician.”**

During a home visit conducted on March 9, 2005, the offender admitted having snorted heroin the day before. An admission note to said effect was submitted. Drug use was also

detected in specimen collected on September 14, 2005. During a telephonic conversation sustained on October 18, 2005, the offender admitted again having used drugs a few days before. Urine specimen collected later that day confirmed the use of cocaine and heroin. Alternatives to deter drug use were discussed, to include in-patient detoxification, followed by out-patient drug free treatment and intensive urine collection via participation in the Code a Phone program. Having considered all facts, Mr. Rosario-Tellado was allowed to participate in the Code a Phone program. He was made well aware that failure to report for urinalysis would constitute an administrative positive, thus aggravating his situation, yet he opted to participate, considering it the best option for him. In spite of said opportunity and offender's alleged good disposition, he failed to report for urinalysis, consequently being charged with administrative positive on March 17<sup>th</sup>, June 6<sup>th</sup>, August 10<sup>th</sup>, August 29<sup>th</sup>, September 19<sup>th</sup>, October 18<sup>th</sup>, October 21<sup>st</sup>, November 2<sup>nd</sup>, November 23<sup>rd</sup> and December 6<sup>th</sup> 2005.

5. **VIOLATION OF CONDITION NO. 8: "The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered."**

During an office interview conducted on April 15, 2005, the offender admitted having gone to a place where drugs are sold in order to secure some for a party who did not want to be seen at the drug trafficking location.

6. **VIOLATION OF CONDITION NO. 9: "The defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer."**

Community/collateral contacts made on April 12, 2005, revealed that the offender was

associating with a convicted felon and drug abuser. He admitted to said association.

7. **VIOLATION OF CONDITION NO. 11:** “The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.”

Mr. Rosario-Tellado did not report his May 30, 2005 arrest until July 8, 2005.

**WHEREFORE, I declare under penalty of perjury that the foregoing is true and correct and,** request that the Court issue a warrant for the arrest of Mr. Luis Javier Rosario-Tellado and order the United States Marshal Service to produce the subject so that he may appear before this Honorable Court to show cause why his supervised release should not be revoked. Thereupon, he be dealt with pursuant to law.

In San Juan, Puerto Rico, this 22<sup>nd</sup> day of December 2005.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF  
U.S. PROBATION OFFICER

S/Norma Rivera-Rochet

Norma Rivera-Rochet

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NRR/evn

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFIED** that on December 22<sup>nd</sup> 2005, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Assistant U.S. Attorney Sonia I Torres, Torre Chardón, Suite 1201, 350 Carlos Chardón Avenue, San Juan, PR, 00918; Frank Inserni, P.O. Box 193748, San Juan, Puerto Rico, 00919-3748.

At San Juan, Puerto Rico, this 22<sup>nd</sup> day of December 2005.

S/Norma Rivera-Rochet

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NRR/evn